

Senate File 466 - Introduced

SENATE FILE 466

BY QUIRMBACH

A BILL FOR

1 An Act relating to firearms, including provisions relating to
2 the purchase, sale, or transfer of firearms and requiring
3 an educational program relating to hunting, and providing
4 penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

SALE OR TRANSFER OF FIREARMS

Section 1. NEW SECTION. **724.32 Sale or transfer of firearms
— criminal history background check.**

1. A person shall not sell or transfer a firearm to another person without receiving verification from a federally licensed firearms dealer that information on the prospective purchaser or transferee has been submitted to the department of public safety for a criminal history background check and that a determination has been received by the department of public safety that the prospective purchaser or transferee is not prohibited under either state or federal law from possessing a firearm. A criminal history background check conducted under this section shall include an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation.

2. This section shall not apply where the person transferring the firearm and the person acquiring the firearm are related to one another within the second degree of consanguinity or affinity.

3. A person who sells or transfers a firearm in violation of this section is guilty of an aggravated misdemeanor.

4. A federally licensed firearms dealer may charge and collect fees for obtaining criminal history record information checks on behalf of sellers or transferors.

5. The department of public safety shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 2. NEW SECTION. **724.32A Straw sales — firearms.**

A person who purchases or obtains a firearm on behalf of a person not qualified to legally purchase, own, or possess a firearm in this state or for the purpose of selling, giving, or otherwise transferring a firearm to a person not legally qualified to purchase, own, or possess a firearm in this state is guilty of an aggravated misdemeanor.

DIVISION II

EDUCATIONAL PROGRAM — HUNTING

Sec. 3. Section 256.9, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 60. Develop and administer an educational program to promote and increase participation in hunting. The program shall be available in public high schools and community colleges as either an extracurricular activity or as part of a unit in relevant existing coursework. The director shall collaborate with the department of natural resources in the development and administration of the program and shall model the program after the department of natural resources' recruitment, retention, and reactivation action plan.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill relates to the purchase, sale, or transfer of firearms and requires an educational program relating to hunting, and provides penalties.

DIVISION I — SALE OR TRANSFER OF FIREARMS. Division I of the bill prohibits a person from selling or transferring a firearm to another person without receiving verification from a federally licensed firearms dealer that information on the prospective purchaser or transferee has been submitted to the department of public safety for a criminal history background check and that a determination has been received by the department of public safety that the prospective purchaser or transferee is not prohibited under either state or federal law from possessing a firearm. A criminal history background check includes an inquiry of the national instant criminal background check system maintained by the federal bureau of investigation. The bill does not require a background check verification where the person transferring the firearm and the person acquiring the firearm are related to one another within the second degree of consanguinity or affinity.

The division provides that a person who sells or transfers

1 a firearm in violation of the bill is guilty of an aggravated
2 misdemeanor.

3 The division provides that a federally licensed firearms
4 dealer may charge and collect fees for obtaining criminal
5 history record information checks on behalf of sellers and
6 transferors and the department of public safety shall adopt
7 administrative rules to administer the bill.

8 The division prohibits straw firearms sales by providing
9 that a person who purchases or obtains a firearm on behalf of
10 a person not qualified to legally purchase, own, or possess
11 a firearm in Iowa or for the purpose of selling, giving, or
12 otherwise transferring a firearm to a person not legally
13 qualified to purchase, own, or possess a firearm in this state
14 is guilty of an aggravated misdemeanor.

15 As referenced in the bill, an aggravated misdemeanor is
16 punishable by confinement for no more than two years and a fine
17 of at least \$625 but not more than \$6,250.

18 DIVISION II — EDUCATIONAL PROGRAM — HUNTING. Division
19 II of the bill requires the director of the department of
20 education to develop and administer an educational program to
21 promote and increase participation in hunting. The program
22 shall be available in public high schools and community
23 colleges as either an extracurricular activity or as part of
24 a unit in relevant existing coursework. The director of the
25 department of education will collaborate with the department
26 of natural resources in the development and administration of
27 the educational program. The educational program shall be
28 modeled after the department of natural resources' recruitment,
29 retention, and reactivation action plan.